



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

September 23, 2008

Anne Holden
California Regional Water Quality Control Board, Lahontan Region
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

Dear Ms. Holden,

Thank you for providing the opportunity to comment on proposed actions by the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board), to adopt a memorandum of understanding between the Tahoe Regional Planning Agency (TRPA) and the Lahontan Water Board regarding vegetation management activities, to waive waste discharge requirements for these activities in Lake Tahoe Basin, and to adopt a negative declaration for a resolution waiving waste discharge requirements for vegetation management activities regulated by the TRPA. EPA has reviewed the draft MOU, waiver, and negative declaration, and has the following comments.

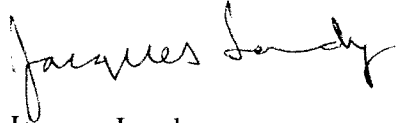
In addition to the comments below, EPA incorporates by reference our July 16, 2008, comments on the "Early Consultation" conducted by the Lahontan Water Board on these proposed projects. Due in part to the absence of provisions in the MOU that would be responsive to our suggestions in the above-mentioned letter—for vegetation management project and larger-scale monitoring to determine individual and cumulative project impacts on water quality and wildlife habitat, and for specific requirements to mitigate or eliminate project impacts by means of Best Management Practices (BMPs)—we feel that there is insufficient information contained in these proposed actions to determine their potential impact on Lake Tahoe Basin water quality and wildlife habitat. Specific permit conditions such as project monitoring and reporting, and BMPs to mitigate adverse impacts, are not included in the draft MOU, thus providing no basis for the proposed negative declaration. Finally, there are no provisions in the draft MOU for agency or public review and input on future TRPA or Lahontan vegetation management permits, further weakening the basis for the negative declaration.

Adoption of the proposed MOU and waiver could potentially result in negative water quality impacts to Lake Tahoe, a designated Outstanding National Resource Water where water quality degradation is prohibited by the Clean Water Act. While EPA supports the concept of permit streamlining as a means of expediting urgently-needed fuels reduction, we recommend that the MOU and waiver be amended to strengthen monitoring and BMP requirements so as to ensure that this action does not pose an unacceptable risk to Lake Tahoe Basin natural resources.

EPA would be pleased to assist the Lahontan Water Board and TRPA in developing more

protective MOU provisions. Please call me at (775) 589-5248 if you have any questions or would like to discuss these matters further.

Sincerely,

A handwritten signature in black ink, appearing to read "Jacques Landy". The signature is fluid and cursive, with the first name "Jacques" written in a larger, more prominent script than the last name "Landy".

Jacques Landy
Lake Tahoe Basin Coordinator (WTR-3)

Cc: Jovita Pajarillo (WTR-1)
Sam Ziegler (WTR-3)